

IN THE HIGH COURT OF JUDICATURE AT PATNA
COM PET No.6 of 1993
SHRI B.R.THUKRAL
Versus
M/S ASHISH POLYFIBRES(BIHAR)LTD.

27. 21.4.2011

On 31.7.1998 when the case was called out more than once none of the counsels for either of the parties appeared before the Court and a direction was given to let this case go out of list and not to be listed without order of the Court. Subsequently on the direction of this Court, the case was listed on 5.8.2010 after more than 12 years but no one appeared for either party on the said date or the next date. On 16.9.2010, Mr. Murari Narayan Choudhary appeared for the respondent company, but no one appeared for the petitioner. Subsequently, there was neither any appearance nor prayer for adjournment was made. On 16.12.2010, Mr. Nilotpal Ganguli, Advocate appeared and stated that the Advocate on record for the petitioner, Mr. Subhro Sanyal has shifted his practice to Delhi and he has been looking after the case filed by him in this Court and time was sought for instruction, which was granted. But on subsequent dates also, the matter was adjourned on the prayers of learned counsel for the petitioner.

Today, Mr. Nilotpall Ganguli, Advocate submits that he is not able to contact the petitioner and obtain any instruction from him and it appears that the petitioner has no further interest in pursuing the present company petition.

In the above circumstances, the company petition having been filed more than 18 years earlier cannot be permitted to continue without any effective action being taken by learned counsel for the petitioner.

It is, accordingly, dismissed.

VPS

(Ramesh Kumar Datta, J.)

